



H.R. 6842 – The National Capital Security and Safety Act

EXECUTIVE SUMMARY

This legislation was introduced by Representative Eleanor Holmes Norton (D-DC) on September 9, 2008. The Committee on Oversight and Government Reform ordered the bill to be reported, as amended, by a vote of 21-1 on September 10, 2008.

On June 26, 2008, the Supreme Court affirmed a decision of the D.C. Circuit Court of Appeals, striking down certain D.C. firearm regulations as unconstitutional. H.R. 6842 requires the District of Columbia to revise its laws and regulations which govern the use of firearms to comply with the requirements of the decision of the Supreme Court case *District of Columbia v. Heller*, within 180 days of enactment.

The rule for this bill made in order a substitute amendment offered by Congressman Childers (D-MS) that would substitute in the language from H.R. 6691, the Second Amendment Enforcement Act. H.R. 6691 has 116 cosponsors (61 Republicans, 55 Democrats). This amendment specifies that the District of Columbia may not prohibit or unduly burden the ability of individuals to possess firearms for self-protection or other lawful purposes.

FLOOR SITUATION

This legislation was introduced by Representative Eleanor Holmes Norton (D-DC) on September 9, 2008. The Committee on Oversight and Government Reform ordered the bill to be reported, as amended, by a vote of 21-1 on September 10, 2008. H.R. 6842 is being considered on the floor under a structured rule. The rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Member of the Committee on Oversight and Government Reform;
- Waives all points of order against consideration of the bill except for clauses 9 (earmarks) and 10 (PAYGO) of rule XXI;
- Provides that the amendment recommended by the Committee on Oversight and Government Reform, now printed in the bill, shall be considered as adopted in the House and the Committee of the Whole;
- Provides that the bill, as amended, shall be considered as an original bill for the purpose of further amendment and shall be considered as read;
- Waives all points of order against the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (earmarks);
- No further amendment shall be in order except the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution;
- Provides that the amendment may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment;
- Waives all points of order against the amendment printed in the report except for clauses 9 (earmarks) and 10 (PAYGO) of rule XXI;
- Provides one motion to recommit with or without instructions; and
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

H.R. 6842 is expected to be considered on the floor of the House on September 16, 2008.

BACKGROUND



LEGISLATIVE DIGEST

HOUSE REPUBLICAN CONFERENCE | CHAIRMAN ADAM PUTNAM

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On June 26, 2008, the Supreme Court affirmed the decision of the D.C. Circuit Court of Appeals in *Parker v. District of Columbia*. In that decision, the appeals court struck down certain D.C. firearm regulations as unconstitutional. In affirming this decision, the U.S. Supreme Court ruled by a 5-4 margin that the Second Amendment protects an individual's right to possess a firearm for private use. This decision was the first Supreme Court ruling on whether the right to keep and bear arms is an individual right or rather only a collective right applying to state-run militias.

Writing for the majority, Justice Antonin Scalia stated, "We hold that the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense."

The Supreme Court's decision thus struck down the District of Columbia's Firearm Control Regulations Act of 1975 as unconstitutional. This local law restricted D.C. residents from owning handguns and required that rifles and shotguns be kept unloaded and disassembled, or bound by a trigger lock. Since the Supreme Court decision, D.C. has replaced its ban with temporary local legislation that permits residents to register revolvers for self-defense in the home. However, there is significant concern that the District's gun law remains overly restrictive.

SUMMARY

H.R. 6842 requires the District of Columbia to revise its laws and regulations which govern the use of firearms to comply with the requirements of the decision of the Supreme Court case *District of Columbia v. Heller*, within 180 days of enactment.

Note: The Rule made in order a substitute amendment offered by Congressman Childers (D-MS) that would substitute in the language from H.R. 6691, the Second Amendment Enforcement Act. H.R. 6691 has 116 cosponsors (61 Republicans, 55 Democrats). Please find a summary of that amendment below.

AMENDMENTS

Rep. Travis Childers (D-MS): This amendment specifies that the government of the District of Columbia may not prohibit or unduly burden the ability of individuals to possess firearms for self-protection or other lawful purposes. Additionally, the amendment repeals the District's ban on semiautomatic firearms, repeals a D.C. firearm registration requirement, and ends the District's ban on handgun ammunition. The amendment also repeals the District requirement that firearms be disassembled or secured with a trigger lock in the home. Finally, this provision removes criminal penalties for possessing firearms in one's home and allows D.C. residents to purchase firearms in Maryland or Virginia.

COST

The Congressional Budget Office (CBO) estimates that the cost associate with H.R. 6842 "would be negligible." [Full CBO Cost Estimate](#)

ADDITIONAL VIEWS

Oversight and Government Reform Ranking Member Tom Davis (R-VA):

"D.C. is rewriting its gun laws in light of the Supreme Court's *Heller* decision... I support the rights of the citizens of the District of Columbia under the Second Amendment - rights they've been denied for too long. Like the states and counties we represent, the District has self-governing authority to write the laws under which its citizens live. But the District, as the federal city, also has Congress as its legislature of last resort. We should exercise that power thoughtfully, surgically and sparingly. In terms of legislation, we all know the deal has been cut by the Democratic Leadership to vote on H.R. 6691... it seems the only sure impact of any legislation dealing with D.C. gun laws will be that the Democratic House will have abandoned its professed allegiance to home rule."

(Press Release, 9/9/08)



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Statement of Administration Policy:

"The Administration supports the objective behind H.R. 6842 of revising the District of Columbia's firearms laws to ensure their conformity with the Second Amendment as interpreted by the Supreme Court in *District of Columbia v. Heller*. The bill in its present form, however, would do nothing more than direct the District's City Council to reconsider the emergency firearms legislation that it unanimously passed in July... Therefore, the Administration strongly opposes this legislation unless it is amended to include the provisions of H.R. 6691, the Second Amendment Enforcement Act. The Administration strongly supports H.R. 6691 because it would immediately advance Second Amendment principles by directly protecting the individual right of law-abiding District residents to keep and bear commonly used firearms not only to protect themselves and their families but also to protect their homes and property."

[\(Statement of Administration Policy, 9/15/08\)](#)

STAFF CONTACT

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